

REMARKS

With entry of this amendment, claims 11, 25, 25, and 31 have been cancelled, leaving claims 7-10, 12-24, 26-30, and 32 pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Entry of Amendment

Notably, previously examined and now-cancelled claims 31 and 25 have been respectively rewritten as independent claims 7 and 20. As such, no claim amendments have been made that would present new issues requiring further consideration or search, and therefore, Applicant respectfully requests entry of this amendment.

Claim Rejections-35 U.S.C. §§102, 103

Claims 7-10, 12-24, 26-30, and 32 stand rejected either as being anticipated by U.S. Patent Publication No. 2003/0074075 ("Thomas") under 35 U.S.C. §102(e), or as being obvious over Thomas under 35 U.S.C. §103. Without acquiescence that Thomas qualifies as §102(e) prior art, and without prejudice to antedate this reference should it become reference, Applicant respectfully traverses these rejections, since Thomas does not disclose, teach, or suggest the combination of elements required by claims 7-10, 12-24, 26-30, and 32.

In particular, independent claim 7 has been amended to require a spraying device configured for applying uncured bone cement onto the web-like arrangement of wires, and independent claim 20 has been amended to require the web-like arrangement to comprise points of contact between the wires, and an additional step of spraying uncured bone cement onto the web-like arrangement of wires to interconnect the wires at the points of

contact. The Examiner did not specifically delineate the reasoning as to why these claim elements, which were previously presented in claims 31 and 25, were anticipated by or obvious over Thomas. The Examiner did point to paragraph [0118] of Thomas for the teaching that it is known to introduce bone cement into vertebrae. However, it is neither known nor obvious to spray the bone cement onto a web-like arrangement of wires within a bone structure.

As discussed in the background of the present application, the prior art contemplated filling the cavity of the fractured vertebra with bone cement to increase the structural integrity of the vertebra. Thus, the most that Thomas suggests is that the cavity of the fractured vertebra is to be filled with a bone cement after implant of the wire. Notably, several problems are associated with this technique, including the filling of any space needed for long-term therapeutic treatment, necrosis of bone tissue due to the heat generating by the bone cement during the curing process, and shrinkage of the bone cement, thereby leaving a loose ball within the vertebral cavity. (See page 2, line 20 to page 3, line 5 of specification). However, by spraying bone cement to stabilize and reinforce of web-arrangement of wires, the structural integrity of a fractured vertebra can be increased without experiencing the problems associated with filling the vertebra cavity with bone cement. (See page 12, lines 13-25 of specification). Thomas does not suggest spraying bone cement on a web-arrangement of wires for this reason or for any other reason.

Thus, Applicant submits that independent claims 7 and 20, as well as the claims depending therefrom (claims 8-10, 12-19, 22-24, 26-30, and 32), are not anticipated by or

obvious over Thomas, and as such, respectfully request withdrawal of the rejections of these claims with respect to Thomas.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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